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Application No. 10/810,595
Docket No. 740145-284REMARKS

By the above actions, claims 1 and 4 have been amended. In view of the actions taken and the following remarks, reconsideration of this application is now requested.

The Examiner's indication of allowable subject matter with respect to claim 4 has been noted with appreciation, and as a result, claim 4 has been rewritten in independent form. Thus, formal allowance of claim 4 is hereby requested.

Claims 1, 2, 6, and 10 have been rejected under 35 USC § 103 as being unpatentable over the combined teachings of the Ito et al. and Haslund references. However, this rejection is improper for the following reasons.

In particular, the Ito et al. and Haslund references relate to two different types of lamps which operate using two different types of power. That is, while Haslund discloses a xenon lamp which, like the present invention, operates using direct current and has anode and cathode electrodes which are different from each other, the Ito et al. reference is directed to a metal vapor discharge lamp that is not a xenon lamp and which operates using alternating current and has anode and cathode electrodes which are the same as each other. Additionally, Haslund's lamp is designed to operate in a vertical orientation while Ito et al.'s lamp is designed to operate in a horizontal orientation; the fluctuation the arc tubes is completely different for horizontally and vertically arranged electrodes. Thus, one would not combine the teachings of these two very different types of lamps.

The Examiner's attention is also directed to paragraph [0010] of the present application in which it is pointed out that the flicker problem sought to be solved by the present invention is related to convection within the arc tube and that the present invention "is not pertinent for a lamp operated with a vertical position." Thus, on the one hand, the present invention is expressly indicated as not be applicable to a lamp such as that of Haslund which operates in a vertical orientation, and on the other hand, since convection is entirely different in a vertically oriented lamp than in a horizontally oriented lamp, the aerodynamic flow principles of Haslund would be inapplicable to the horizontally oriented lamp of Ito et al., so that such represents yet another reason why one of ordinary skill would not combine the teachings of these two references.

Still further, an important part of the Ito disclosure relates to the provision of the protrusions 6 that form the tip of the anode and cathode. These protrusions have the important

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function in Ito et al.'s lamp of concentrating the discharge. While Fig. 3 does not show these protrusions, this is only due to the fact that this figure is a simplified view and paragraph [0022] of Ito et al. indicates that the electrodes shown in Fig. 3 are the same as those shown in Fig. 1, i.e., each of the electrodes has a protrusion 6 directed toward the other electrode. If a pair of such electrodes with protrusions were utilized in a direct current lamp like that of Haslund or the present invention, the protrusions would melt due to the high temperatures that are produced, and then, the lamp would cease to function since a stable discharge would not be produced.

While the outstanding rejection is believed to be improper for the reasons explained above, and thus, should be withdrawn, to advance prosecution, claim 1 has been amended to insure that it is fully commensurate in scope with the arguments presented above. In particular, it is now stated that the invention is a xenon lamp which is "adapted for operation in a horizontal orientation," that the anode and cathode are "differently configured" and that the anode tip is free of protrusions directed toward the cathode." As a result, the invention as defined by amended claim 1 is not a vertically operated lamp as in Haslund, nor is it one with a pair of identically configured electrodes with protrusions as in Ito et al., so that any combination of these references (as illogical as that would be to one of ordinary skill) would have to result in a lamp that bears no resemblance to the present invention. Therefore, withdrawal of the rejection based on these references is in order and is requested.

Claims 3, 5, 7, and 9 have been rejected under 35 USC § 103 as being unpatentable over the combined teachings of the Ito et al. and Haslund references when viewed in further combination with the Mehr et al. patent application publication, which is yet another vertically operated lamp. Thus, not only is the Mehr et al. patent application publication incapable of overcoming the above commented upon deficiencies of the Ito et al. and Haslund references, but it too is unrelated to the type of lamp to which the present invention is directed as noted with reference to paragraph [0010] of the present application. Thus, withdrawal of this rejection is hereby requested.

Claim 8 stands rejected under 35 USC § 103 as being unpatentable over the combined teachings of the Ito et al., Haslund references and Mehr et al. patent application publication when viewed in further combination with the Nishida patent application publication. However, Nishida is incapable of making up for all of the deficiencies in the combination of

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the Ito et al., Haslund and Mehr et al. references. Thus, this rejection should also be withdrawn.

The references that have been cited but not applied by the Examiner have been taken into consideration. However, since these references were not found to be relevant enough by the Examiner to apply against the original claims, no detailed comments thereon are believed to be warranted at this time.

While this application should now be in condition for allowance, in the event that any issues should remain after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for that purpose.

Lastly, accompanying this response is a request for extension of time petition and authorization to charge same to the deposit account of the undersigned's firm. However, should this extension of time petition become separated from this Amendment, then it is requested that this Amendment be construed as containing such a petition and the fee therefore should be charged to Deposit Account No. 50-2478(740145-284)

Respectfully submitted,

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